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UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

SIERRA CLUB, et al.,)	Case No. 3:08-cv-01409-WHA
)	
Plaintiffs,)	
)	
v.)	STIPULATED MOTION FOR LEAVE
)	TO FILE SURREPLY; [PROPOSED]
STEPHEN JOHNSON, et al.,)	ORDER
)	
Defendants,)	
)	
and)	
)	
SUPERFUND SETTLEMENTS PROJECT, et al.,)	
)	
Defendant-Intervenors.)	

STIPULATED MOTION FOR LEAVE TO FILE SURREPLY;
~~[PROPOSED]~~ ORDER (Case No. 3:08-cv-01409-WHA)

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Pursuant to Civil L.R. 7-12, plaintiffs, Sierra Club et al., hereby files this Stipulated Motion for Leave to File a Surreply to the Defendant's Reply in Support of Counter-Motion for Summary Judgment, filed December 19, 2008. Plaintiffs request leave to file this Surreply (attached as Exhibit 1) for the limited purpose of addressing two recent Ninth Circuit cases that were decided after the filing of Plaintiffs' Reply Memorandum in Support of its Motion for Summary Judgment. Federal defendants relied on both cases in their Reply.

Respectfully submitted this 5th day of January, 2009.

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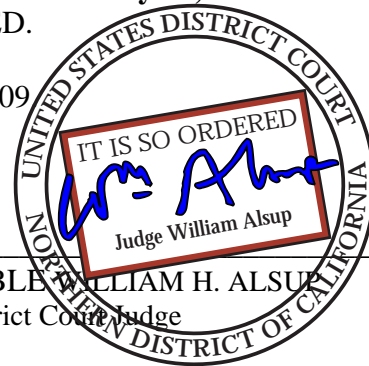
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~~[PROPOSED]~~ ORDER GRANTING PLAINTIFFS
LEAVE TO FILE SURREPLY

The hearing for the motions for summary judgment will be on **January 22, 2009 at 8:00 A.M.**
PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED this 7th day of January, 2009



THE HONORABLE WILLIAM H. ALSUP
United States District Court Judge